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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

-----X
:
UNITED STATES OF AMERICA, :
:
Plaintiff, :
:
v. : Case No.
: 2:12-CV-804-LDG-GWF
CLIVEN D. BUNDY, :
:
Defendant :
:
-----X

333 Las Vegas Boulevard, South
Las Vegas, Nevada

Tuesday, October 23, 2011

Deposition of:

CLIVEN D. BUNDY

a witness, called for examination by counsel for the
Plaintiff, pursuant to notice and agreement as to time and
place, at the United States Attorney's Office, Las Vegas,
Nevada, before Sandy A. Dahlheimer, a Notary Public, where
were present on behalf of the respective parties:

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Balt. & Annap. 410-974-0947

A P P E A R A N C E S

On Behalf of the Plaintiff:

TERRY M. PETRIE, ESQ.
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
999 18th Street, South Terrace
Suite 370
Denver, Colorado 80202

NANCY C. ZAHEDI, ESQ.
GREGORY LIND, ESQ.
Department of the Interior
Office of the Solicitor
Pacific Southwest Region
2800 Cottage Way
Suite E-1712
Sacramento, California 95825

ALICE C. NEWTON
Lake Mead National Recreation Area
601 Nevada Way
Boulder City, Nevada 89005

LAUREN BROWN
Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130

On Behalf of the Defendant:

CLIVEN D. BUNDY, IN PRO PER
Post Office Box 7175
Bunkerville, Nevada 89007
702-346-5564

Also Present: Carol Bundy

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I N D E X

<u>Witness</u>	<u>Examination By</u>	<u>Page</u>
Cliven D. Bundy	Terry M. Petrie - Direct	5

E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Marked</u>
Exhibit No. 1	October 2, 2012 Letter	5
Exhibit No. 2	Alphabetical Listing of Cattle and Horse Brands	13
Exhibit No. 3	Complaint	22
Exhibit No. 4	Map	36
Exhibit No. 4-A	Map (not provided)	52
Exhibit No. 5	Request for Interrogatories	43
Exhibit No. 6	Defendant's Statement	52
Exhibit No. 7	Bundy Ranch Blog	62
Exhibit No. 8	Defendant's Statement	75
Exhibit No. 9	Violation of the Full Force and Effect Decision	76
Exhibit No. 10	Decision by Supreme Court	80
Exhibit No. 10-A	Supremacy Clause	80
Exhibit No. 11	Article from <u>High Country News</u>	92
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P R O C E E D I N G S

(1:10 p.m.)

Whereupon,

CLIVEN D. BUNDY

was called as a witness, having been first duly sworn, was
examined and testified as follows:

DIRECT EXAMINATION

BY MR. PETRIE:

Q. Mr. Bundy, how are you today?

A. I'm here.

Q. Okay. I'm Terry Petrie. I am an attorney with
the United States Department of Justice. I represent the
United States in this lawsuit.

You and I have had the chance here earlier before
we started to get a chance to meet each other as we waited
outside in the lobby there to the U.S. Attorney's Office
here in Las Vegas.

Sir, I'm going to be asking you a number of
questions today, and I'll be showing you some documents as
well. Okay.

And the very first document that I'm going to
give you -- and what I'll do is be giving you a document.
We'll talk about what the document is, and then from there
some questions will flow. Okay.

And one of the things I want you to know up front

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1 is that when you receive a document, you should feel free
2 to take your time and to read the entire document if you
3 want. Okay. I don't want you to feel as if you're being
4 asked questions about contents of documents for which you
5 think, well, jeez, what's this document about? Context is
6 always important and so I want you to understand that you
7 have that opportunity here today to make sure you know what
8 the document is in front of you.

9 Okay. So with that in mind, let me hand you what
10 we'll mark as -- and we mark the documents as exhibits.
11 I'm going to hand you a document that we'll mark as Exhibit
12 1. I'm going to hand you a copy of it, sir

13 (Whereupon, Exhibit 1 was marked for
14 identification.)

15 BY MR. PETRIE:

16 Q. Go ahead and take a moment, sir, to look at the
17 document.

18 A. Okay. I think I understand where we're at here.

19 Q. Sir, what you have in front of you is a letter
20 dated October 2, 2012, and it's from me to you. Attached
21 to the letter are a couple of attachments; and it's the
22 second attachment that I wanted to bring out for purposes
23 of the deposition today. And that document is a Notice of
24 Deposition, and it's a Notice of Deposition in this case
25 and it is for you to appear today at this deposition.

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1 A. Well, I don't know. Yes, let's say yes. The
2 reason I question that is there's no fence or divider
3 between that allotment and my ranch.

4 Q. That allotment being Bunkerville Allotment?

5 A. Well, that's called Bunkerville Allotment, my
6 ranch.

7 Q. I'm sorry?

8 A. Bunkerville Allotment, we need to change that
9 name to my ranch. I don't recognize "allotment" anymore.

10 Q. Just that we're clear about that, the location of
11 your ranch, what is it? How many acres for the ranch and
12 the farm?

13 A. I'm not sure on this approximately. I don't know
14 with the grazing, 150,000 acres probably.

15 Q. Now, let's make sure that you and I are on the
16 same page here. You have a mortgage, or at this point in
17 time, the title, a fee title, to a ranch there located
18 about 10 miles from Bunkerville?

19 A. You know that's not relevant to this.

20 Q. Sir, it is relevant.

21 A. It's not relevant.

22 Q. Sir, it is. And I can assure you it's not my
23 intention to mislead you. In a deposition, there's a wide
24 range of relevance, and the only questions that a party can
25 refuse to answer is if one, the question is asking for what

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1 the law considers to be privileged information. Another
2 example is if the question will be violating an order of
3 the Court governing the proceedings. The question here
4 doesn't fall into either category.

5 You've made a statement that your ranch is one
6 hundred fifty something thousand acres; and you've equated
7 as if it's synonymous, your ranch, with what used to be
8 known as an area of land described as the Bunkerville
9 Allotment -- the former -- now former Bunkerville
10 Allotment. And I'm trying to ascertain what portion of
11 that 150,000 acres do you actually have a piece of paper
12 that says you hold title to it.

13 A. Okay. I object to your question and certify it.

14 Q. And those questions -- that's very good and
15 she'll certify it so that if later this becomes a piece of
16 testimony that is proposed to be offered into evidence at a
17 trial, then the judge will certainly take note of the
18 objection and determine whether or not my question was
19 proper or not. Absolutely. Okay. If you can go ahead and
20 answer the question, please, sir.

21 A. Let me ask you a question. I said it was not
22 relevant. That lawsuit has -- is over new trespass lands,
23 and I'm not going to go too much further than what new
24 trespass land is. I'll make that part of my record. I'm
25 not going to go outside of that boundary.

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1 asking if you had always lived at the ranch; and as an
2 adult, and you mentioned in response that there were some
3 times that you had not lived on the ranch but you had used
4 it as a base of operations. Do you remember that?

5 A. Yes.

6 Q. That base of operations, by that, are you
7 referring to the physical ranch, the boundaries of the
8 ranch that you grew up on as it then existed?

9 A. I'm referring to the ranch as a unit, a total
10 unit.

11 Q. Okay. And what I'm trying to understand though
12 is this. The ranch you grew up on did not include one
13 hundred fifty plus thousand acres of what is now known as
14 the former Bunkerville Allotment; did it?

15 A. Yes, yes.

16 Q. It did?

17 A. It did.

18 Q. It did. And did you have any kind of piece of
19 paper that says you have title to that one hundred fifty
20 plus thousand acres of land?

21 A. I have either bought it or inherited it.

22 Q. You're not answering the question. The question
23 is: Do you have any kind of piece of paper that suggests
24 you have title to one hundred fifty plus thousand acres of
25 what is now known as the former Bunkerville Allotment?

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1 A. No.

2 Q. Since the year 2000 -- my question is going to
3 focus from the year 2000 through today -- have you grazed
4 your cattle on lands both inside the former Bunkerville
5 Allotment, which you now have characterized here today as
6 your ranch, as well as lands outside of the Bunkerville
7 Allotment outside your ranch?

8 A. Yes.

9 Q. Has that been done routinely over the course of
10 those now 12 years?

11 A. Yes.

12 Q. When you graze your cattle, is there some kind of
13 a system or methodology that you use with it? In other
14 words, is it like a continuous grazing operation that you
15 have out there?

16 A. Yes.

17 Q. Year round basically?

18 A. Yes.

19 Q. What I'm going to do here, sir -- let's go off
20 the record.

21 (Off the record.)

22 (On the record.)

23 BY MR. PETRIE:

24 Q. What I'm going to do, sir, is hand you a map that
25 we'll mark as Exhibit 4 that was prepared for this case.

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1 A. Right.

2 Q. Where is the Gold Butte headquarters located?

3 And let's go ahead and mark it again on this map. We'll
4 use the black marker and we'll just use HQ to denote that.

5 A. This thing turned round right here. HQ?

6 Q. Yes, sir.

7 A. (Witness complies.)

8 Q. Thank you. And this appears to be located in
9 what would be the southeast corner of the area that you
10 previously marked for the outer limits for where you
11 understand your cattle have grazed; is that correct, sir?

12 A. Yes.

13 Q. And that appears to be a portion of the map,
14 which the Government contends is new trespass lands?

15 A. Yes.

16 Q. Thank you.

17 Speaking of the cattle that were grazing, sir, we
18 talked earlier about how your ranch has employed the use of
19 brand marks and earmarks, brands and earmarks; is that
20 right, sir?

21 A. Yes.

22 Q. Okay. Some of the cattle that you have grazed,
23 are they unbranded?

24 A. Yes.

25 Q. About what percentage, if you've got a sense of

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1 that?

2 A. On the knoll -- new trespass land, I would just
3 estimate -- you wanted to know about the branded or
4 nonbranded now?

5 Q. Nonbranded.

6 A. I would say approximately 40 percent of them are
7 nonbranded.

8 Q. If -- don't laugh at this question because it's
9 probably got a very logical answer, but you're fielding a
10 question from a guy who does not run cattle. For somebody
11 like Petrie, he goes out there and he comes across one of
12 your unbranded cattle. Is there anything about the cow
13 that would tell Petrie that, yes, this cow belongs to
14 Cliven Bundy?

15 A. Two things, the genetic of the animal and the
16 herd it was running with.

17 Q. The latter suggesting that, if an unbranded cow
18 is in the presence of other Bundy marked cattle, there is
19 pretty good odds it's also a Bundy cow?

20 A. Yes.

21 Q. I wasn't clear on that and I appreciate you're
22 educating me.

23 Sir, and this will revisit an item we were
24 discussing earlier, but specifically to the new trespass
25 lands, do you have any kind of fee title to any of those

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1 Now, let's go back to the question. Let's assume
2 the federal authorities have the authorization to present
3 themselves on land, whether you call it your ranch or the
4 former Bunkerville Allotment, or for that matter the new
5 trespass lands, and they've got the authorization in hand
6 to remove cattle that belongs to you and they literally,
7 physically, take the steps necessary to accomplish that
8 right there and you're standing by.

9 Are you going to undertake any effort to
10 physically stop that?

11 A. Yes.

12 Q. What efforts would that be?

13 A. Whatever it takes.

14 Q. Okay. Would that include -- when you say
15 "whatever it takes," would that include the soliciting, the
16 assistance of neighbors, friends, family, supporters of
17 yours to do whatever it takes in the scenario I just
18 described?

19 A. Yes.

20 Q. Whatever it takes -- well, no. Okay.

21 Sir, as you know, there was an earlier
22 proceeding, an earlier case, that the United States brought
23 against you back in the late '90s, 1998, 1999.

24 Do you recall that the Court issued an order for
25 you to remove your cattle that the Court determined were

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1 trespassing on the lands that we call the former
2 Bunkerville Allotment and which you now call the Bundy
3 ranch? Do you recall that?

4 A. Yes.

5 Q. You never removed your cattle, did you?

6 A. Right.

7 Q. Sir, one last question here and we'll let you and
8 your wife get on with your day. After that topic, whatever
9 it takes, this is going to be a tame ending.

10 If you would take a look at the answer that you
11 filed in this case -- and I don't think I have it marked as
12 an exhibit, and I'll do that right now and we'll mark it as
13 Exhibit 12. It's the answer that you filed in this case.

14 (Whereupon, Exhibit 12 was marked for
15 identification.)

16 BY MR. PETRIE:

17 Q. Sir, does that document look familiar to you?

18 A. Yes, I'm familiar with it.

19 Q. It's the answer that you filed in this Court in
20 response to the Government's complaint, and your answer was
21 filed on June 4, 2012.

22 Sir, on page 3, if you would, if you'd take a
23 look at that on page 3, and this touches on something that
24 at least tangentially we addressed earlier, but there's
25 another phrase in here I wanted to ask you about.

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